

# Notice of Allowability

Application No.

10/659,798

Examiner

Charles E. Cooley

Applicant(s)

DRIE, GERHARDT VAN

Art Unit

1723

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 18 FEB 2005.
2. ☒ The allowed claim(s) is/are 1,4,6 and 9.
3. ☒ The drawings filed on 10 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT/REMARKS**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

### **Amendments to the Claims:**

**This listing of claims will replace all prior versions and listings of claims in the application:**

Claim 1 (previously presented) An apparatus for mixing a fluid within a tank, the apparatus comprising: a beam supported at a balance point on the beam by a means for pivoting attached to a fixed pivot support, the beam movable in cyclic tilting motion about the pivoting means such that ends of the beam move vertically in mutually opposing directions; the ends of the beam pivotally engaging vertical arms depending downwardly therefrom; each of the arms downwardly terminating with a mixing plate engaged therewith; the mixing plates positioned for being immersed within the fluid within the tank so that the mixing plates cause fluid mixing as the beam moves in the tilting motion; and a means for cyclically moving a weight on the beam to cause the cyclic tilting motion.

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Claims 2-3 (canceled)

Claim 4 (previously presented) The apparatus of claim 1 wherein the means for cyclically moving a weight comprises a pair of liquid reservoirs, one of the liquid reservoirs attached at each one of the ends of the beam; and a liquid pump engaged with the pivot support; the reservoirs and the pump in mutual communication for moving the liquid cyclically from one of the reservoirs to the other of the reservoirs thereby causing the tilting motion of the beam.

Claim 5 (canceled)

Claim 6 (previously presented) A method for mixing a fluid within a tank, the method comprising the steps of: supporting a beam at a balance point on the beam by a means for pivoting attached to a fixed pivot support; moving the beam in tilting motion about the pivoting means such that ends of the beam move vertically in mutually opposing directions; pivotally engaging the ends of the beam with vertical arms depending downwardly therefrom; terminating each of the arms downwardly with a mixing plate engaged therewith; positioning the mixing plates for being immersed within the fluid within the tank so that the mixing plates cause fluid mixing as the beam moves in the tilting motion; engaging a means for cyclically moving a weight on the beam in a manner for unbalancing the beam to cause the tilting motion.

Claims 7-8 (canceled)

Claim 9 (original) The method of claim 6 further comprising the step of positioning a pair of liquid reservoirs, one of the liquid reservoirs attached near each one of the ends of the beam; and positioning a liquid pump engaged with the pivot support; interconnecting the reservoirs and the pump in mutual fluid communication; and cyclically moving the liquid from one of the reservoirs to the other of the reservoirs thereby causing the tilting motion of the beam.

\* \* \*

2. The above listing is presented merely to provide a listing of claims in accordance with 37 CFR 1.121 to expedite prosecution to allowance. Note the text of canceled claims must not be presented in the listing as shown above. The above listing of pending claims 1, 4, 6, and 9 does not deviate in any manner from the corresponding claims presented in the amendment filed 18 FEB 2005. This listing is only for compliance with the revised amendment practice under 37 CFR 1.121 and not in view of any prior art issues.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles", followed by a stylized flourish or second name.

Charles E. Cooley  
Primary Examiner  
Art Unit 1723

8 MAR 2005